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09/718,595 11/21/00 KIKINIS

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EXAMINER

PRIETO, B

ART UNIT

PAPER NUMBER

2152

DATE MAILED:

06/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/718,595

Applicant(s)

KIKINIS

Examiner

First Last

Group Art Unit

1234

☒ Responsive to communication(s) filed on Jan 21, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Detailed Action

1. Drawings were not objected to by the Draftsperson under 37 CFR 1.84 or 1.152, and stamped approved.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by **Remillard U.S. Patent No. 5,404,393**.

Regarding claim 1, Remillard teaches the invention as claimed, teaching the following features, a set top box, comprising; a broadband receiver for receiving multimedia information including a data stream constituting a command and a displayable indicia associated with the command; tuner/demultiplexer circuitry for separating a displayable data stream from the multimedia information, and for sending the displayable data stream including the displayable indicia to a display monitor, forming a display with the displayable indicia thereon (Remillard, Figs. 1-2, television (82) circuitry with receiving (136) means for multiplexing (e.g. audio/video) broadcasting channels or cable stations signals, wherein said are selected (tuned) by viewer through the remote control keypad and displayed on the television screen by the controller, column 2, lines 25-63, column 6, lines 38-39, displayable indicia, column 5, lines 5-32, facility/email information); user-operable apparatus adapted for selecting the displayable indicia; wherein, in response to the user selecting the displayable indicia, the display is altered (column 5, lines 10-21, Fig. 1 (52));

Regarding claim 2, Remillard further teaches wherein the alteration of the display comprises switching the display to a channel associated with the selected indicia; (Remillard: column 2, lines 52-55, column 5, lines 7-8 column 2, lines 16-17).

Claim Rejections – 35 USC § 103

4. The following is a quotation of 35 U.S.C 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Remillard** U.S. Patent No. **5,404,393** in view of **Judson** U.S. Patent No. **5,737,619**.

Regarding claim 3, Remillard teaches substantial features of the invention as claimed, however Remillard does not explicitly teach wherein a portion of the multimedia information received comprises Web pages in HTML;

Judson teaches a system/method of browsing the WWW of the Internet using HTML-compliant client, supporting a graphical user interface and a browser, system having an HTTP-complaint browser, column 2, lines 34-37, and lines 59-60).

It is obvious at the time the invention was made to one ordinary skilled in the art to integrate Judson's computer program product and Web browser method in to Remillard's electronic device (set-top box) television circuitry (tuner/demultiplexer/broadband receiver) in order to obtain in the most cost effective manner access to information and use of electronic facilities as well as interactive broadcast television programming, by further enhancing these features with a client browser for receiving Web pages in the HTML format.

Regarding claim 8, the combined teachings of Remillard and Judson as discussed above, further teach wherein the broadband receiver comprises a satellite data link adapted to download a satellite-broadcast data stream, and the multimedia information including a data stream constituting a command and a displayable indicia associated with the command is received via the satellite data link. (Judson, column 2, lines 34-37, Remillard column 4, lines 60-68)

Regarding claim 5 the combined teachings of Remillard and Judson as discussed above, further teach wherein a portion of the multimedia information received by satellite data link comprises HTML (Judson column 1, lines 20-30).

Regarding claim 6 the combined teachings of Remillard and Judson as discussed above, further teach wherein a first portion of the multimedia information comprises television programming, and a second portion comprises program schedule information associated with the television programming, the program schedule information including the commands and displayable indicia associated with the command. (Judson column 2, lines 1-5 and 59-67, column 6, lines 25-28)

Regarding claim 7, the combined teachings of Remillard and Judson as discussed above, further teach a cache memory system wherein the program schedule information including the command and displayable indicia associated with the command are stored, and a driver adapted to coordinate the cache and the second portion of the multimedia information (Remillard: column 5, lines 33-38, Fig. 2 (35), Judson column 4, lines 32-40).

Regarding claim 8, the combined teachings of Remillard and Judson as discussed above, further teach wherein the broadband receiver comprises a satellite data link adapted to download a satellite-broadcast data stream, and further comprising a land-based modem, and the multimedia information including a data stream constituting a command and a displayable indicia associated with the command is received by one of the satellite data

link and the land modem. (Judson: column 4, lines 49-51, Remillard column 7, lines 8-25).

Regarding claim 9 the combined teachings of Remillard and Judson as discussed above, further teach a user-operable WEB browser for browsing for HTML-based WEB pages (Judson column 2, lines 59-61).

Regarding claim 10 the combined teachings of Remillard and Judson as discussed above, further teach a user-operable WEB browser, wherein the WEB browser is adapted to scan the cache for selected pages, and to display pages from the cache wherein selected pages are stored therein (Judson column 10, lines 50-56).

Regarding claim 11, the combined teachings of Remillard and Judson as discussed above, further teach a WEB server comprising: a scanning means for periodically scanning (i.e. examining/searching for specifics) HTML-based WEB pages stored on the server; and a satellite uplink system coupled to the said scanning means; wherein scanning means is adapted for selecting especially-marked WEB pages, and uploading those pages via the satellite uplink system. (Judson uploading/selected Web page means, Judson column 9, lines 5-11).

Regarding claim 12 the combined teachings of Remillard and Judson as discussed above, further teach wherein the WEB server of claim II further comprising a land-based Internet connection. (Judson column 4, lines 49-51, Remillard column 7, lines 8-25).

Regarding claim 13, the combined teachings of Remillard and Judson as discussed above, further teach a system for controlling presentation of multimedia broadcasts, comprising: a WEB server upon which program schedule information is stored in one or more especially-marked WEB pages, wherein the content of the WEB pages includes commands and displayable indicia associated with the commands; a satellite up-link system coupled to the WEB server; a receiver adapted for receiving both the multimedia broadcasts and the especially-marked WEB pages including commands and displayable

indicia associated with the commands, and further adapted for displaying the program schedule information on a display monitor in a manner that the displayable indicia become user-selectable interfaces for initiating the commands at the receiver, as discussed above, wherein further a scanning means adapted for periodically scanning content of the WEB server and uploading the especially-marked pages to the satellite uplink system; (Judson column 9, lines 5-11).

Regarding claim 14, the combined teachings of Remillard and Judson as discussed above, further teach wherein the commands include commands that cause the receiver to select specific programs from the multimedia broadcasts. (Remillard, selecting programs means from multimedia broadcast signals, column 3, lines 43-56).

Regarding claim 15, this claim comprises the method claim associated with the apparatus claimed in claim 1-14 and therefore rejected on the same rationale applied herein above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Prieto, B.** whose telephone number is **(703) 305-0750**. The Examiner can normally be reached on Monday-Friday from 6:30 to 4:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, **Mark H. Rinehart** can be reached on **(703) 305-4815**. The fax phone number for the organization where this application or proceeding is assigned is **(703) 308-6606**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703) 305-3800/4700**.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)
Or:
(703) 305-7201 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist), further ensuring that a receipt is provided stamped "TC 2100".



B. Prieto

Patent Examiner

May 26, 2001



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PRIMARY EXAMINER